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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,638	07/28/2003	Robert B. Blake	0290.00006	4888

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EXAMINER

LERNER, AVRAHAM H

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/628,638

Applicant(s)

BLAKE, ROBERT B.

Examiner

Avraham Lerner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 is/are allowed.
- 6) ☒ Claim(s) 1,4 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 2,3,5-15 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The Information Disclosure Statement, filed October 10, 2003, is acknowledged and has been considered.

Specification

2. The disclosure is objected to because there are an inordinate number of spacing errors throughout the entirety of the specification and claims. Large numbers of blanks appear in the middle of sentences and individual words, and appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 16 and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The specification and drawings do not support the limitations presented in claim 16, which recite that the cover receiver is connected to the bumper fascia. The cover receiver 402 is only shown and disclosed connected to a vehicle bumper as in the embodiment of Figs. 7A and 7B, and distinct from the embodiments having a bumper fascia.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 4, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by McCoy et al. (U.S. Patent No. 6,428,031 B1).

McCoy et al. discloses a trailer hitch cover assembly comprising all elements as claimed, including a bumper fascia (shroud 42) for attachment to a motor vehicle having an aperture for allowing a hitch tube to extend therethrough; a main body (chain plate 28) adapted to be disposed over the hitch tube and adapted to allow insertion of a hitch into the hitch tube; and a cover plate (access door 46) hingedly connected to either one of said main body and said bumper fascia for moving between a closed position to close said aperture to conceal the hitch tube and an open position to open the aperture to expose the hitch tube, the main body further comprising a front face having an opening extending longitudinally therethrough to allow insertion of the hitch into the hitch tube, and at least one hinge member operatively supported by the bumper fascia to hingedly connect the cover plate to the bumper fascia.

7. Claims 1, 4, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Fulkerson (U.S. Patent No. 5,628,536)

Fulkerson discloses a trailer hitch cover assembly comprising all elements as claimed, including a bumper fascia (30) for attachment to a motor vehicle having an aperture for allowing a hitch tube to extend therethrough; a main body (unnumbered reinforcing lip, see Fig. 2) as

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broadly recited, adapted to be disposed over the hitch tube and adapted to allow insertion of a hitch into the hitch tube; and a cover plate (42) hingedly connected to either one of said main body and said bumper fascia for moving between a closed position to close said aperture to conceal the hitch tube and an open position to open the aperture to expose the hitch tube, the main body further comprising a front face having an opening extending longitudinally therethrough to allow insertion of the hitch into the hitch tube, and at least one hinge member operatively supported by the bumper fascia to hingedly connect the cover plate to the bumper fascia.

Allowable Subject Matter

8. Claim 20 is allowed.
9. Claims 2, 3, 5-15, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bagley (U.S. Patent Application Publication No. 2004/0046360), and Sams (U.S. Patent No. 4,570,986) disclose hinged doors for cover hitch receivers.
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avraham Lerner whose telephone number is (703) 308-0423. The examiner can normally be reached on M-F (8:15-5:45) first Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AVRAHAM LERNER
PRIMARY EXAMINER



March 12, 2004